

FILED

MAY 24 2018

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

TANYA GERSH,

Plaintiff,

vs.

ANDREW ANGLIN,

Defendant.

CV 17-50-M-DLC-JCL

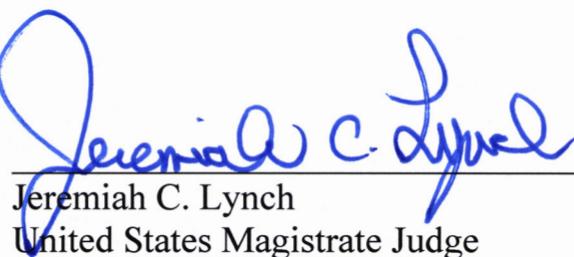
ORDER

Plaintiff Tanya Gersh has file a motion requesting clarification on the status of the stay of discovery imposed pursuant to the Court's Order dated December 15, 2017. (Doc. 41). The Order stayed discovery "pending a decision on the motion to dismiss, with the exception of discovery that may become necessary by the Plaintiff once she sees the Defendant's reply to the information Plaintiff provides to the Court with regard to Defendant's domicile in Ohio." (Doc. 41, at 1-2). As discussed at preliminary pretrial conference on December 14, 2017, the purpose of the Order was to stay discovery pending resolution of the jurisdictional challenges raised in Defendant's Motion to Dismiss (Doc. 31). Those challenges were resolved with presiding United District Court Judge Dana Christensen's May 7, 2018, Order denying Defendant's motion to dismiss for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) and for lack of personal

jurisdiction based on insufficient service of process pursuant to Fed. R. Civ. P. 12(b)(5). (Doc. 86). The Defendant's outstanding motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6) does not provide a basis for staying discovery. Accordingly,

IT IS ORDERED that the discovery stay imposed pursuant to the Court's Order dated December 15, 2017 is hereby terminated.

DATED this 23rd day of May, 2018.
24th



Jeremiah C. Lynch
United States Magistrate Judge